

United States Senate

WASHINGTON, DC 20510

November 12, 2015

The President
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

President Obama:

We write to express our continued concern regarding the administration's lack of transparency with the American public regarding law of war detainees at Guantanamo and those who are being transferred or released to other nations. In a speech delivered in May 2009, you said "I ran for President promising transparency, and I meant what I said. And that's why, whenever possible, my administration will make all information available to the American people so that they can make informed judgments and hold us accountable." We strongly support efforts to increase the federal government's transparency with the American people, but the administration's actions with respect to Guantanamo detainee transfers have not been consistent with your commitment.

When a detainee is transferred, the only specific information released by the Department of Defense is the detainee's name and the name of the country to which the detainee will be transferred. The administration does not provide any information regarding the detainee's previous terrorist activities and associations, previous assessments of the detainee's risk level to the U.S. and our allies, or behavior while in detention. The administration does not provide even the most basic information regarding arrangements with the country that has agreed to receive the detainee.

As a result, Americans are left in the dark regarding the detainee's potential membership in al Qaeda or its affiliates, terrorist training, or previous hostile actions against U.S. troops. The American people, and often many of their representatives in Congress, do not even know if the detainee will be detained or released once they are transferred. Without this information, it is difficult for Americans to accurately assess the wisdom of transferring these detainees. With 30% of former Guantanamo detainees confirmed or suspected of reengaging in terrorist activity, this lack of transparency with the American people is not acceptable.

For these reasons, we ask your administration to provide unclassified answers to the following questions regarding all detainees currently at Guantanamo:

- Prior to detention, in what terrorist activities or training did the detainee participate?
- Prior to detention, did the detainee engage in or support hostilities against U.S. or coalition troops?
- Prior to detention, with which terrorist organizations was the detainee affiliated?

- Was the detainee, at any point since being initially detained, deemed to be a high-risk threat to the United States, its interests, or its allies?
- While detained, has the detainee continued to express support for terrorism?
- While detained, has the detainee assaulted Joint Task Force Guantanamo guards?

When your administration transfers detainees in the future, we ask your administration to make sure the information above has been provided to the American people and to also provide unclassified answers to these questions:

- Will the individual be detained by the recipient country?
- Will the detainee be allowed to leave the destination country?

This information can be provided without revealing sensitive intelligence sources or methods. Further, general information about the conditions of transfer can be shared publicly without undermining any legitimate concerns of the recipient countries. Any argument that this information cannot be declassified safely and provided to the American people creates the appearance that the administration does not want the American people to know the truth about the detainees at Guantanamo and those being transferred to other countries.

In May 2009, you made a compelling and important case for transparency. You continue to argue that it is in the national security interests of the United States to transfer these detainees. Based on your commitment to transparency, combined with your belief that these transfers are in our nation's interest, it is difficult to imagine any credible justification for keeping this basic information from the American people.

We respectfully request that your administration provide this information without delay.

Sincerely,



Kelly A. Ayotte
United States Senator



James M. Inhofe
United States Senator



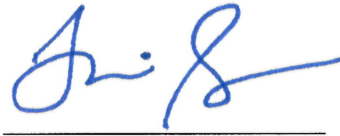
Tom Cotton
United States Senator



M. Michael Rounds
United States Senator



Thom Tillis
United States Senator



Tim Scott
United States Senator



Lindsey Graham
United States Senator

CC: Secretary of State John F. Kerry
Secretary of Defense Ashton B. Carter